SUPREME COURT OF THE UNITED STATES

JAMES OLDEN *v.* KENTUCKY

ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF KENTUCKY

No. 88–5223. Decided December 12, 1988

JUSTICE MARSHALL, dissenting.

I continue to believe that summary dispositions deprive litigants of a fair opportunity to be heard on the merits and create a significant risk that the Court is rendering an erroneous or ill-advised decision that may confuse the lower courts. See *Pennsylvania* v. *Bruder*, —— U. S. —— (1988) (MARSHALL, J., dissenting); *Rhodes* v. *Stewart*, —— U. S. —— (1988) (MARSHALL, J., dissenting); *Buchanan* v. *Stanships*, 485 U. S. —— (1988) (MARSHALL, J., dissenting); *Commissioner* v. *McCoy*, 484 U. S. —— (1987) (MARSHALL, J., dissenting). I therefore dissent from the Court's decision today to reverse summarily the decision below.